

EVA MILLER, BERNICE SCULLARK, AND  
ROGER MALONE,  
GRANTORS

TO

WARRANTY DEED

HENRY H. BELOATE, JR.  
GRANTEE

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Grantors, EVA MILLER, BERNICE SCULLARK, AND ROGER MALONE, hereby sell, convey and warrant unto the Grantee, HENRY H. BELOATE, JR., the land lying in DeSoto County, Mississippi, being more particularly described as follows to wit:

A part of the 40.10 acre tract of land originally owned by Hillery Miller known as TRACT NO. 2, containing 13.35 acres more or less, and being more particularly described as follows:

Commencing at the northeast corner of Section 16, Township 3, Range 7 west in DeSoto County, Mississippi; thence west 5.0 chains to a Point; thence south with a variation of 6 degrees 0 minutes 5.05 chains to the Point of Beginning of the following tract herein described: thence west with a variation of 6 degrees 0 minutes 26.21 chains to a point; thence south with a variation of 6 degrees 15 minutes 5.136 chains to a point; thence east with a variation of 6 degrees 0 minutes 26.21 chains to a point; thence north with a variation of 6 degrees 15 minutes 5.05 chains to the Point of Beginning. As per survey of Carl G. Clark, R.L.S., No. 1194, dated August, 1987.

By acceptance of this Deed, the parties agree that his conveyance is made subject to subdivision, health department, zoning and other regulations in effect in DeSoto County, Mississippi and rights of way and easements for public roads, flowage, and utilities. Taxes for the year 1987 shall be prorated at closing and paid by the Grantee when due. Possession is to be given upon delivery of this Deed.

By way of explanation, this is a part of the same land conveyed to Hillery Miller in Deed Book 21, Page 517 in the Office of the Chancery Clerk of DeSoto County, Mississippi. This Deed was dated May 28, 1927. Hillery Miller died, leaving six (6) children, namely, James Miller, Eva Miller, Annie Mae Miller,

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Ruby Miller, Waymon Miller and Houston Miller. The above named Grantors, as per affidavit of heirship attached hereto are the only surviving heirs of Hillery Miller who have an interest in the above described property and the right to convey good title to the above described property. Bernice Scullark is the daughter of Annie Mae Miller Shaw and Roger Malone is the grandson of James Miller. See attached affidavit of heirship for details.

EXECUTED this 10<sup>th</sup> day of September, 1987.

Eva Miller  
EVA MILLER, GRANTOR

Bernice Scullark  
BERNICE SCULLARK, GRANTOR

Roger Malone  
ROGER MALONE, GRANTOR

STATE OF NEW YORK  
COUNTY OF Bx

This day personally appeared before me, the undersigned authority in and for said County and State, the within named EVA MILLER, who acknowledged that she signed and delivered the above and foregoing Warranty Deed on the day and date therein mentioned as her free and voluntary act and deed and for the purposes therein expressed.

GIVEN under my hand and official seal of office this the 10th day of September, 1987.

Mary Galindez  
Notary Public

My commission expires:

NOTARY PUBLIC, STATE OF NEW YORK

No. 03-4523171

Qualified in Bronx County

Commission Expires 12-31-88

STATE OF NEW YORK  
COUNTY OF Bx

This day personally appeared before me, the undersigned authority in and for said County and State, the within named BERNICE SCULLARK, who acknowledged that she signed and delivered the above and foregoing Warranty Deed on the day and date therein mentioned as her free and voluntary act and deed and for the purposes therein expressed.

GIVEN under my hand and official seal of office this the 10th day of September, 1987.

Mary Galindez  
Notary Public

My commission expires:

MARY GALINDEZ  
NOTARY PUBLIC, STATE OF NEW YORK

No. 03-4523171

Qualified in Bronx County

Commission Expires 12-31-88

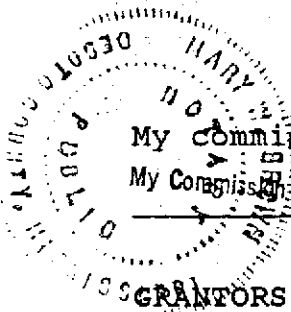
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STATE OF MISSISSIPPI  
COUNTY OF DESOTO

This day personally appeared before me, the undersigned authority in and for said County and State, the within named ROGER MALONE, who acknowledged that he signed and delivered the above and foregoing Warranty Deed on the day and date therein mentioned as his free and voluntary act and deed and for the purposes therein expressed.

18<sup>th</sup> GIVEN under my hand and official seal of office this the day of September, 1987.

Man Walker Brien  
Notary Public



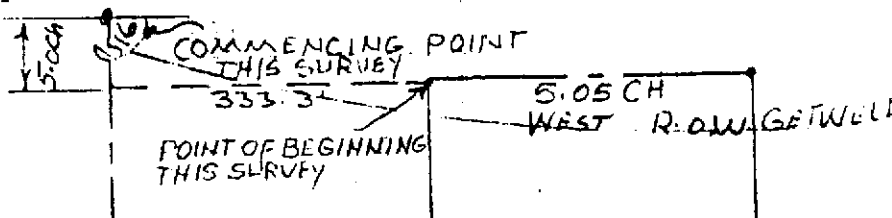
My commission expires:

My Commission Expires Jan. 31, 1991

GRANTORS ADDRESS & PHONE NO.: 1408 Webster Ave., #17-M, Bronx, NY  
10456 (212)588-9437

GRANTEES ADDRESS & PHONE NO.: 321 S. Pauline, Memphis, TN 38104  
901-529-3095

plat of Tract 2



Certificate

To all persons interested in premises surveyed. This survey was made on the ground as shown hereon and is correct. There are no encroachments either way across property lines except as shown hereon.

*Carl G. Clark*

Carl G. Clark R. L. S. No. 1194

TRACT NO. 2

WEST  $\angle 6^{\circ} 0'$   
26.21 CH

EAST  $\angle 6^{\circ} 0'$   
26.21 CH

13.35 AC.

5.136 CH  
SOUTH  $\angle 6^{\circ} 15'$

SCALE 1"=200'

Description

Commencing at the Northeast Corner of Section 16 Township 3 North Range 7 West in DeSoto County, Miss. Thence West 5.0 chains to a point. Thence South with a variation of  $6^{\circ} 0'$  5.05 chains to the Point of Beginning of the tract herein described:

Thence West with a variation of  $6^{\circ} 0'$  26.21 chains to a point;  
Thence South with a variation of  $6^{\circ} 15'$  5.136 chains to a point;  
Thence East with a variation of  $6^{\circ} 0'$  26.21 chains to a point;  
Thence North with a variation of  $6^{\circ} 15'$  5.05 chains to the Point of Beginning.

All lying in the Northeast Quarter of Section 16 aforesaid and contain 13.35 acres more or less.

AFFIDAVIT OF HEIRSHIP

(HEIRSHIP OF HILLERY MILLER, DECEASED)

STATE OF MISSISSIPPI

COUNTY OF DESOTO

I, MINNIE ROBERTSON  
of lawful age, being first duly sworn upon his oath deposes and  
says the following:

That she was personally well acquainted with the deceased,  
Hillery Miller, during his lifetime, having known him for many  
years, most of his life, and that the affiant bears the following  
relationship to the said decedent:

My father, William Miller, and Hillery Miller, were brothers  
and so Hillery Miller was my Uncle.

Affiant further states that the deceased departed this life  
on or about July, 1944, and leaving no will at the time of his  
death. Affiant further states that he was well acquainted with  
the family and relatives of the decedent and with all those who  
would, under the laws of the State of Mississippi, be his heirs  
and that the following statements are based on personal knowledge  
of the affiant and are true and correct:

1. The decedent did not leave a will.
2. The decedent left a widow, Olivia Houston Miller, who  
died in March, 1960, while residing in New York State.  
The wife of the decedent, Olivia Houston Miller, also  
left no will. Neither Hillery Miller nor his wife,  
Olivia Houston Miller, had an administration of their  
estate.
3. The decedent was married only one time during his  
lifetime.

Below are the names and places of residences of the  
surviving children of the deceased, Hillery Miller, and the widow  
of the deceased, Olivia Houston Miller, together with any of the  
information recalled by this affiant:

1. James Miller, died in 1983, leaving no will and leaving  
one daughter, Janice Miller. He had two (2) wives who  
predeceased him. His only surviving heir, Janice Miller, died  
two (2) years ago, leaving as her only son, Roger Malone, of  
Olive Branch, Mississippi.

2. Eva Miller, who is still living and presently resides at  
Apt. 17-M, 1408 Webster Avenue, Bronx, NY 10456.

3. Annie Mae Miller Shaw, who died in January, 1932. Annie  
Mae Miller predeceased her husband, Percy Shaw, who died on  
October 1, 1977. Annie Mae Miller left no will; however, Percy  
Shaw left a will, and in his will gave all of his property to the  
only daughter of Annie Mae Miller Shaw and Percy Shaw, Bernice  
Shaw Scullark, who presently resides at 1730 Andrew Avenue, Apt.  
5-L, Bronx, NY 10453. The Estate of Percy Shaw was probated  
properly in Lambert, MS, where he resided. No creditor's claims  
were filed and Bernice Shaw Scullark is the rightful heir of

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4. Ruby Miller died prior to the time that Hillery Miller died, when she was twenty-two (22) years old. She lived in Memphis, Tennessee at the time of her death. Ruby Miller had one husband and one child. She left no will. Both her husband and her child predeceased her.

5. Wayman Miller died in 1970, leaving no wife and no children. At the time of his death he resided in Chicago, Illinois. He left no will.

6. Houston Miller died December 8, 1977, leaving no wife or children. He also resided in Chicago, Illinois at the time of his death. He left no will.

The only surviving heirs of Hillery Miller who may legally convey title to the 40.10 acre tract owned by Hillery Miller at the time of his death, are Eva Miller, his daughter, Bernice Shaw Scullark, his granddaughter, and Roger Malone, his great-grandson.

As far as can be determined, the decedent, Hillery Miller, left no unpaid debts.

The decedent, Hillery Miller, never adopted children, or had step-children taken into his home.

This information is true to the best of my knowledge, recollections, and belief, after having known the Hillery Miller family most of my life.

*Minnie Robertson*  
MINNIE ROBERTSON  
Getwell Road, Box 2090  
Hernando, Mississippi 38632

SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of September, 1987.

*May Walker Burns*  
Notary Public

My commission expires:  
My Commission Expires Jan. 31, 1991

Filed @ 11:00 A.M. 21 Sept, 1987  
Recorded in book 199 Page 43  
H. G. Ferguson, Chancery Clerk